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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,304	08/27/2003	Frederic Leuba	ICB-0055	5408
29116	7590	12/14/2005	EXAMINER	
ROBINSON & POST, L.L.P. 1117 HAMPSHIRE LANE RICHARDSON, TX 75080			MULLINS, BURTON S	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

41c

**Office Action Summary**

Application No.

10/649,304

Applicant(s)

LEUBA ET AL.

Examiner

Burton S. Mullins

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 27 August 2003 has been considered by the examiner. Reference EP 55158689 has not been considered because a copy was not found in the file.

### ***Priority***

2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Europe on 28 February 2001. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter. Since it appears the claim for priority should have been made under 35 USC 371 or under 35 USC 120 & 365(c) applicant is advised to check the declaration and provide appropriate corrections.

### ***Claim Rejections - 35 USC § 112***

3. Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 4, recitation "and allowing the presence of an external magnetic field to be detected" is vague and indefinite. This is functional language with no associated structure and has not been given patentable weight. Regarding claim 5, recitation "said operating unit has the function of a compass" is statement of use and has not been given patentable weight. Further, it is indefinite since the preamble of claim 4 is inconsistent with the claim. It is not clear whether claim 5 is directed to a combination or a subcombination.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schafroth (US 6,124,649) in view of Hintermann et al. (US 3,796,588). Schafroth teaches the basic micro-generator structure in a timepiece comprising magnetized masses (magnets) 12/14 and non-magnetic (metallic) movement-blank parts (plate/bar) 30/40 surrounding at least partially and in located in proximity to the micro-generator, to electrically shield it (Fig.1, c.3, lines 16-24).

Schafroth differs in that the movement-blank parts 30/40 are not “coated with a finish coating characterized in that the finish coating...has essentially non-magnetic properties.”

Hintermann teaches a process for rendering a steel piece superficially hard and corrosion resistant by applying a layer of passive metal such as chromium. Such a coating is disclosed as useful on watch-case elements such as middle parts and bezels and protective caps therefore (c.3, lines 25-30).

It would have been obvious to modify and provide a finish coating of essentially non-magnetic properties on the movement-blank parts of Schafroth per Hintermann since this would have improved hardness and corrosion resistance of these parts.

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Regarding claim 3, Schafroth's micro-generator includes a rotor including two disks 11/13 each substantially disc-shaped and each carrying, on its face opposite the other flange, an even number of magnetized masses 12/14, said micro-generator further including an electronic module including at least a stator coil 20/21/22 partially inserted between the two flanges 11/13 (Fig.1) and in that said micro-generator is at least partially located in a volume (not numbered, Fig.1) delimited by the orthogonal projections of said non-magnetic movement-blank parts 30/40.

Regarding claim 4, the functional language "an allowing the presence of an external magnetic field to be detected" is met by the combination since there is no reason why a magnetic field would not be allowed to be detected in the timepiece of Schafroth.

Regarding claim 5, as mentioned above, the statement of use has not been given patentable weight.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schafroth and Hinterman as applied to claim 1 above, and further in view of Hiroshi (JP 57-082786). Schafroth and Hinterman together teach a non-magnetic coating on the movement -blank parts; however, the coating does not comprise "at least two metallic layers of which at least the layer which is directly in contact with said movement-blank parts contains nickel as a non-magnetic alloy constituent."

Hiroshi teaches a wrist-watch including a nonmagnetic metallic film 7 (coating) of Ni-P alloy formed on the surface of the movement's gears. The film/coating further comprises a second metallic layer of Au (abstract). Hiroshi's coating eliminates influence of magnetic force.

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It would have been obvious to modify Schafroth and Hinterman and provide a two-layer film coating including nickel alloy per Hiroshi to eliminate influence of magnetic force on the timepiece.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 571-272-2029.

The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Burton S. Mullins  
Primary Examiner  
Art Unit 2834

bsm

06 December 2005